

REMARKS

Claims 15, 16, 37, 38, 47, 49 to 53 and 57 to 63 are currently under consideration, of which Claims 15, 37, 47 and 50 are independent.

In the Office Action, all claims were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,321,228 (Crandall). The rejections are respectfully traversed since Crandall is not believed to teach all features of the claims. Accordingly, the Examiner is requested to reconsider and withdraw the rejections in light of the following patentable distinctions between the claimed invention and Crandall.

The invention concerns the formation of a searchable list of computer network locations, such as a list of locations that have been bookmarked by subscribers. According to the claims, a server monitors bookmarking activities of a plurality of subscribers and forms a list of network identifiers (or locations) bookmarked by individual ones of the subscribers. The network identifiers in the list are ordered according to a frequency of bookmarking by the subscribers. From the formed/ordered list, the server identifies a first predetermined number of highest ordered network identifiers (or locations), as well as a second predetermined number of lower ordered network identifiers (or locations), and inserts the lower ordered identifiers amongst the highest ordered identifiers to form the searchable list.

By virtue of the foregoing arrangement, the prominence of lower ordered items within the search results is improved, thereby allowing the searchable list to feature items that are both popular and recent.

With specific reference to the claims, Claim 47 is directed to a server computer for forming a searchable list of network locations within a computer network incorporating the server computer, the server computer comprising means for monitoring bookmarking activities of a plurality of subscribers to the server computer, wherein the bookmarking activities record network identifiers corresponding to certain ones of the network locations, means for forming a list of the network identifiers bookmarked by individual ones of the subscribers, means for ordering the network identifiers in the list according to a frequency of bookmarking by the subscribers, means for identifying from the list a first predetermined number of highest ordered identifiers, means for identifying from the list a second predetermined number of lower ordered identifiers, and means for inserting the identified lower ordered identifiers amongst the highest ordered identifiers to thereby form the searchable list.

Claims 15 and 37 are directed to a method, a computer readable medium that substantially correspond to Claim 47.

Claim 50, like Claim 47, is also directed to a server and includes features that are also included in Claim 47, but with some different elements. Specifically, Claim 50 is directed to a server operating within a computer network, the server executing an application and interacting with at least one user browser application, wherein the user browser application is constructed to access network locations within the network, the server application comprising means for receiving, from the user browser application, bookmark information relating to at least one of the network locations recorded for subsequent access by the user browser application, means for integrating the bookmark

information received from plural ones of the user browser application to form a database of the bookmark information, means for forming a list of selected network locations from the database, means for ordering the selected network locations in the list according to a frequency of bookmarking by the plural ones of the user browser application, means for identifying from the list a first predetermined number of highest ordered network locations, means for identifying from the list a second predetermined number of lower ordered network locations, and means for inserting the identified lower ordered network locations amongst the highest ordered network locations to thereby form a searchable list of select network locations derived from the database.

The applied art to Crandall is not seen to disclose or to suggest the features of Claims 15, 27, 47 and 50, and in particular, is not seen to disclose or to suggest at least the features of a server identifying from a list of network identifiers, formed by monitoring a plurality of subscribers' bookmarking of the identifiers, a first predetermined number of highest ordered identifiers and a second predetermined number of lower ordered identifiers, and inserting the identified lower ordered identifiers amongst the highest ordered identifiers to thereby form a searchable list.

The Office Action, in respect of the last three paragraphs of claim 15 (for example) as elaborated upon in the third paragraph of page 3 of the Office Action, and also on the last paragraph of page 6 of the Office Action, makes reference to Crandall at column 5, line 65 through column 6, line 29. Applicant notes that, in seeking to anticipate the first three elements of, for example, Claim 15, the Office Action relies on more specific portions of Crandall (e.g. column 2, lines 10-24, column 2, lines 35-38, column 6 lines

44-51, column 3, lines 3-22, column 2, lines 24-30, and column 6 lines 24-25). However, with regard to the last three elements of claim 15, the Office Action refers to column 5, line 65 to column 6, line 29. Therefore, Applicant will discuss in detail the entirety of the foregoing cited portion of Crandall with regard to the last three elements of, for example, Claim 15.

Crandall, at column 5, lines 43-64, discloses that a search query may be broken up into a number of separate queries which may be turned on or off according to search requirements (see lines 47-49). While this is not directly relevant to the present invention, it is relevant to the interpretation of later portions of Crandall. These steps result in the formation of the "queries 504-508" of Crandall. At column 5 line 65, Crandall states as follows: "After queries 504-508 are constructed, search engine 300 searches a collection database 512 and a rank database 514 for any records that satisfy the queries. Collection database 512 contains "collections" which is a user created folder based on hierarchical format. Each collection contains organized and pre-selected records, related to a specific topic, that are derived from earlier searches. Rank database 514 contains searchable URL records that are associated with bookmarked web pages." This portion of Crandall may be found to be equivalent to the claimed "monitoring" step of claim 15 (for example) as explaining the records that are searched using the queries.

Crandall continues, at column 6 line 6 as follows: "During collection database 512 search, search engine 300 associates a score with each query 504-508 in order to determine the precedence of records retrieved from each query." From this it is understood that each of the queries 504-508 of Crandall are given some form of priority

and that when a search result is obtained for each query, that query priority is associated with that search result.

Crandall continues at column 6, line 8: “Query scores may be modified to vary the priority of records retrieved by each query 504-508.” This quote suggests that Crandall offers the ability for the user to vary the priority associated with each query.

Crandall continues as follows: “Records retrieved from queries 504-508 are combined into one result set 510 and they are assorted according to their associated scores.” From this, it can be assumed that the results for the highest priority query will then be ranked above the results for the second highest query, and so on. Accordingly, for example, where there are three queries each returning 10, 8 and 14 results respectively, the 32 results will be ranked in that particular order forming a concatenated set, where the 10 results of highest priority are at the “top” of the set. However, Crandall is silent as to any ordering of those 10 top results. This is in clear contrast to the ordered network identifiers of present claim 15.

Next, at column 6, line 13 Crandall states: “Result set 510 is typically truncated at a predetermined number to limit the number of records that are transmitted to the user.” This statement, suggests that the searching result may be limited to specifically the predetermined highest number of records in the record set. In the present example, assuming that number is 20, the bottom 12 records would then be deleted from the record set.

Crandall continues at column 6, line 15 to state: “A record score is associated with each record in result set 510 for further determining of the relevancy of

each record to the search term entered by the user. Search engine 300 increases a record score each time a search term occurs in the record and based on the location of the search term in the record. Thereafter, the entire result set 510 is sorted according to the user's sorting choice." This portion of Crandall suggests that of the records remaining in the result set (of which there are 20 in the present example), those results in the results set are then ranked or sorted (ordered) in some way based upon the user's sorting choice. From this, the Applicant understands that after the list is truncated, it is in some way sorted according to a user's choice. That sorting may be based upon the number of times a search term occurs in the record.

Crandall continues at column 6, line 22 to state as follows: "Examples of sorting based on the user's choice includes sorting based on the record's score, sorting based on the record's creation date, sorting based on the record activity level, sorting based on the ratings assigned to each record by other user's, sorting based on the late updated date of each record, and sorting based upon the number of URL's links associated with each record. After sorting result set 510, it is displayed on the web page for the user to examine."

It is apparent from the foregoing that Crandall merely describes a system in which multiple queries may be applied to search a database and the results for those queries initially ranked based upon a priority for each query. The record set of the ranked query results is then truncated to provide a limited result. That limited result is then sorted according to some user selected criteria and attributes of the search result. However, in comparison to the presently claimed invention, it is not seen where Crandall identifies from

the list “a first predetermined number of highest order identifiers.” Particularly, while Crandall may initially rank or prioritize groups (or sets) of query results, ultimately, the individual query results are ordered (sorted) and it is not clear which are Crandall’s “highest ordered identifiers”. Further, it is not apparent from Crandall where a “first predetermined number” of those identifiers are in fact “identified” as per the presently claimed invention. Crandall contains no suggestion or disclosure of any “predetermined number”, even though any ranked set of results arguably may have any number of results.

Similarly, it is not apparent from Crandall where a “second predetermined number of lower ordered ones of the identifiers” are also identified. In Crandall, the list is truncated. Arguably, the lowest ordered identifiers would be removed from the list. Even relying upon the reordering based upon the “record score” of Crandall, it is not apparent how any predetermined number of lowered ordered identifiers are in fact ordered or could be ordered.

Lastly, the final step of the invention of present claim 15 relates to inserting the identified lower ordered identifiers amongst the identified higher ordered identifiers to form the searchable list. If, and according to the present claim, the first predetermined number was 5 and the second predetermined number was also 5, and the number of identifiers in the entire list were 20, then the bottom 5 identifiers would be inserted amongst the top 5 identifiers. Arguably, after the insert, the top 10 identifiers would comprise the previous 5 highest ordered and the 5 lowest ordered identifiers. Crandall contains no clear and unmistakable disclosure (as required by Section 102) of these particular features.

The remaining description of Crandall at columns 7 and 8 has been considered but is not seen to correct these inadequacies. In particular, at column 7, line 40 through column 8, line 12, Crandall describes one example of how the “sorting based on the last update of each record”, mentioned at column 6, line 26, is performed. In particular, Crandall acknowledges that some URL’s may well be promoted to the top of the list over a passage of time in view of an accumulation of hits. Crandall addresses this problem through providing a determined weighting to the particular score level for those URL’s.

This approach of Crandall at columns 7 and 8, while related to the problem addressed by the present invention, is an entirely different solution. In the present invention, the solution for lowly ranked identifiers (such as those that have only been available for a short period of time) is to force those identifiers to the top of the list through a selection regimen. In contrast, Crandall uses a time weighted dilution of importance of the highest ranked results. Crandall therefore not only fails to teach the claimed invention, but in a specific implementation, actually teaches away from the invention.

From the foregoing, it is apparent that the specific features claimed in the claims of the present application are in fact not described or suggested in the cited portions of Crandall. Further, the balance of Crandall does not remedy the deficiencies and does not describe the specific features recited in the last three elements of claim 15 (for example).

The inventive features of claim 15 as discussed above are replicated in the other dependant claims which have similarly been rejected on the basis of Crandall. For the above reasoning, those other independent claims should also be allowable. However,

Applicants wish to point out additional deficiencies in the Office Action with regard to at least Claims 57, 58 and 63.

Detailed rejections of Claims 57, 58 and 63 are found at paragraphs 11 and 12 on page 5 of the Office Action. In paragraph 11, it is asserted that Crandall at column 5, lines 43-64 discloses that the second predetermined number of identifiers are randomly identified. That passage has been carefully reviewed and the asserted feature is not seen. First, nowhere does Crandall use the term “random”. Secondly, the cited portion of Crandall is concerned only with obtaining results to various search queries. There is no disclosure of identifying any “second predetermined number” or further that such number is randomly identified from the results.

In paragraph 12, the Office Action asserts that Crandall at column 5, line 65 to column 6, line 16 teaches randomly inserting the second predetermined number of identifiers amongst the first predetermined number of identifiers. Applicant disagrees. The cited portion, (up to line 18) states:

After queries 504-508 are constructed, search engine 300 searches a collection database 512 and a rank database 514 for any records that satisfy the queries. Collection database 512 contains “collections” which is a user created folder based on hierarchical format. Each collection contains organized and pre-selected records, related to a specific topic, that are derived from earlier searches. Rank database 514 contains searchable URL records that are associated with bookmarked web pages. During collection database 512 search, search engine 300 associates a score with each query 504-508 in order to determine the precedence of records retrieved from each query. Query scores may be modified to vary the priority of records retrieved by each query 504-508. Records retrieved from queries 504-508 are combined into one result set 510 and they are sorted according to their associated scores. Result set 510 is typically truncated at a predetermined number to limit the number of records that are transmitted to the user. A record score

is associated with each record in result set 510 for further determining of the relevancy of each record to the search term entered by the user.

Crandall is silent of any “first predetermined number” or any “second predetermined number”. Crandall only discloses truncating the list to a predetermined number.

Thereafter, and at best, Crandall merely sorts within that predetermined number, as stated at column 6, lines 20-21: “Thereafter, the entire result set 510 is sorted according to the user’s sorting choice.” Since the sorting is performed based on the user’s choice, it is not seen how this can be random. It is in fact entirely non-random. Further there is no disclosure or suggestion that lower ranked results are identified and moved or inserted amongst higher ranked results, let alone at random.

These distinctions between Crandall and the present invention highlight two different approaches to solving similar problems. Crandall’s approach allows particular records or URLs to essentially percolate to the top of a list as a result of, for example, bookmarking activities of users. Ultimately however, the user in Crandall then finalizes the search by sorting according to a user selected criteria. Crandall’s final result is a sorted list. In contrast, the approach of the present invention is to bodily remove some of the lower ranked records/identifiers/URLs from the ordered list and to insert those amongst the top ranked records/identifiers. The final result in the present invention is a list that is not strictly sorted, but which has been specifically modified to avoid problems that strict sorting can create.

Thus, Applicant submits that the presently claimed invention of Claims 15, 37, 47 and 50, as well as the claims dependent therefrom, is not anticipated by Crandall. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Edward Kmett/

Attorney for Applicant
Edward A. Kmett
Registration No. 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

CA_MAIN 117635v1